

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 14, 1998

DIVISION ONE

B118063 People v. Bryant (Not for Publication)

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Masterson, J.

DIVISION TWO

B115891 People (Not for Publication)
v.
Vessels

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Fukuto, J.

[illegible]

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Nott, J.

October 14, 1998-Continued

DIVISION TWO (Continued)

[illegible]

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Fukuto, J.

DIVISION THREE

B108947 Paul Haggis
v.
City of Los Angeles, etc.

Filed order modifying opinion and certifying opinion for publication. (No change in judgment.)

B114162 Stewart Cathrae (Not for Publication)
v.
Sarah E. Cathrae

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION THREE (Continued)

B114328 Theatre Agencies, Inc. (Not for Publication)

v.

Marion T. Taggart, et al.

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
 Kitching, J.

B117056 Gunter Enterprises, Inc. et al. (Not for Publication)

v.

County of San Bernardino, et al.

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
 Kitching, J.

B113651 People (Not for Publication)

v.

Seay

The judgment is affirmed.

Aldrich, J.

We concur: Kitching, Acting P.J.
 Goodman, J. (Assigned)

October 14, 1998-Continued

DIVISION FOUR

B111934 Nelson (Not for Publication)
v.
Gervasio

The judgment (order dismissing Nelson's cross-complaint) is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Cooper (F.M.), J. (Assigned)

B118513 Tidmore
v.
Automobile Club of Southern California, et al.

Filed order certifying opinion for publication.

B104376 Palmer et al.
v.
Truck Insurance Exchange et al.

Filed order denying petition for rehearing.

B115947 People (Not for Publication)
v.
Lecroy

The Court:

The sentence imposed on count 3 is vacated and the matter is remanded to resentencing on that count. In all other respects, the judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

October 14, 1998-Continued

DIVISION FIVE

B119309 Frank Brady et al. (Not for Publication)
v.
Great Western Bank et al.

The judgment is affirmed. Great Western is awarded its costs on appeal.

Grignon, J.

We concur: Turner, P.J.
 Godoy Perez, J.

B117311 Elvia Contreras (Not for Publication)
v.
Crocodile Cafe, Inc.

The judgment and postjudgment order awarding costs are affirmed. Respondent Crocodile Cafe, Inc. is awarded its costs on appeal.

Grignon, J.

We concur: Turner, P.J.
Godoy Perez, J.

B110060	Mahoning National Bank, as Executor, etc. v. Kathleen Mogge	(Not for Publication)
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The judgment against Mogge is reversed. Bank is to pay Mogge's costs on appeal.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Stone, P.J., Gilbert, J., Yegan, J., Coffee, J., and G. Bents, Deputy Clerk.

B108075 Stamps v. R.R. Gable, Inc.

Cause settled; ordered off calendar.

Each of the following:

B109494 Troiani v. ARCO Marine, Inc.
B111171 Job v. Wells Fargo Bank
B114300 Martinez v. Vintage Petroleum
B117588 Dawson v. Seedyke
B118288 Caton v. McCullough

Argument continued to November, 1998.

B114742 McCoy v. McCoy

Argument waived, cause submitted.

B121370 Neel
v.
Workers' Compensation Appeals Board

Review:

Presented by Gifford G. Beaton for petitioner and by Nicholas A. Sanford for respondent. Cause submitted.

DIVISION SIX (Continued)

B115100 Effler
 v.
 American Home

Merits:
Argued by Julie Sullwold Hernandez for appellant and by Thomas M. Duggan for respondent. Cause submitted.

B110631 Kelly
 v.
 Vons Companies

Merits:
Argued by Thomas A. Brill for appellant and by Marie D. DiSante for respondent. Cause submitted.

Stone, P.J. left the bench.

Stone, P.J. returned to the bench.

B117415 Pannkuk
 v.
 Carlson

Merits:
Argued by Raymond Howard Carlson, appellant appearing in propria persona, and by Lawrence T. Sorensen for respondent. Cause submitted.

Court recessed at 10:05 A.M.

Court reconvened at 1:30 P.M.

Present: Stone, P.J., Gilbert, J., Yegan, J., Coffee, J., Burke, J. (Assigned), and G. Bents, Deputy Clerk.

DIVISION SIX (Continued)

Each of the following:

B121750 Dept. of Social Services v. Melissa H.
B123983 James P. v. San Luis Obispo Co. Superior Court

Argument waived, cause submitted.

B119812 Orvis
v.
Orvis

Merits:

Argued by James Reed Orvis, appellant appearing in propria persona, and argument previously waived by respondent. Cause submitted.

B120034 Dickson
v.
Dickson

Merits:

Argued by C. Richard Whiston for appellant and argument previously waived by respondent. Cause submitted.

B117829 Bloom
v.
Southern Pacific Transportation

Merits:

Argued by Jeffrey D. Johnsen for appellant and by David S. Steefel for respondent. Cause submitted.

DIVISION SIX (Continued)

B118033 Maulhardt
 v.
 KNM Development

Merits:
Argued by Denise A. Brogna for appellant and by Gary Byron Roach for
respondent. Cause submitted.

B120349 Washington International Ins.
 v.
 Fire Electric, Inc.

Merits:
Argued by Robert G. Klein for appellant and by Ronald Pierce for
respondent. Cause submitted.

B120225 Kowalski
 v.
 Jones Intercable

Merits:
Argued by Janet M. Koehn for appellant and by Carole M. Ross for
respondent. Cause submitted.

Yegan, J. leaves the bench.

B121125 Federal Home Loan Mortgage
 v.
 La Conchita Ranch

Merits:
Argued by Kelly Franks for appellant and by Michael D. Singer for
respondent. Cause submitted.

Court adjourned at 4:25 P.M.

DIVISION SIX (Continued)

B118582 Keulen (Certified for Publication)

v.
Workers' Compensation Appeals Board
Atascadero State Hospital, Respondent

Filed order modifying opinion. Request to decertify the opinion is denied.
(No change in the judgment.)

DIVISION SEVEN

B096100 People (Not for Publication)

v.
Gardner

The conviction and findings on the prior convictions are affirmed. The order sentencing appellant is vacated and the cause is remanded for resentencing in conformity with the views expressed herein.

Woods, J.

We concur: Lillie, P.J.
Johnson, J.

B119364 People (Not for Publication)

v.
Logan

The judgment is reversed insofar as it fails to comply with Penal Code sections 1202.4 and 1202.45, and the cause is remanded for orders in conformity with the views expressed herein. In all others respects, the judgment is affirmed. After the court makes the orders pursuant to Penal Code sections 1202.4 and 1202.45, the court shall cause its orders to be included within an amended abstract of judgment and sent to the California Department of Corrections.

Woods, J.

We concur: Lillie, P.J.
Neal, J.

October 14, 1998-Continued

DIVISION SEVEN (Continued)

B117988 People (Not for Publication)
v.
Tzul

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Neal, J.

[illegible]

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Neal, J.

B115812 People (Not for Publication)
v.
Ford

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

DIVISION SEVEN (Continued)

B108879 Gardner (Not for Publication)

V.
City of Santa Monica

The judgment is reversed and the cause remanded for further proceedings consistent with this opinion. Appellant to recover his costs of appeal.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

B118383 Los Angeles County, D.C.S. (Not for Publication)

v.
Kim F.

The order of the juvenile court is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

B123178 Los Angeles County, D.C.S. (Not for Publication)

V.
Lori Q.

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
Johnson, J.

DIVISION SEVEN (Continued)

B113018 Oliver (Not for Publication)

V.
Kaufman Eisenberg Co., Inc., et al.

The judgment of the superior court on appellant's first cause of action for unlawful discrimination based upon disability is reversed and remanded for a new trial. The judgment in favor of respondents on her claims for breach of contract and negligent infliction of emotional distress is affirmed. The parties are to bear their own costs on appeal.

Woods, J.

We concur: Lillie, P.J.
Neal, J.

B115771 Der Boghosian
v.
Board of Dental Examiners

Filed order denying petition for rehearing.

B114744 Memorial Hospital-Ceres
v.
Kimberly Belshe

Filed order certifying opinion for publication.